

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**MICHAEL STUART BISCOE, M.D.**

Holder of License No. 20915  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-06-0375A

**CONSENT AGREEMENT FOR  
LICENSE REACTIVATION AND  
PROBATION**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Michael S. Biscoe, M.D. ("Respondent"), the parties agreed to the following disposition of this matter at the Board's public meeting on June 8, 2006.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in State or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.


3. This Consent Agreement and the Order is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in this State or any other state or federal court.

1           5.     Although the Consent Agreement has not yet been accepted by the Board and  
2 issued by the Executive Director, Respondent may not revoke his acceptance of the Consent  
3 Agreement and Order. Respondent may not make any modifications to the document. Any  
4 modifications to this original document are ineffective and void unless mutually approved by the  
5 parties.

6           6.     This Consent Agreement and Order, once approved and signed, is a public record  
7 that may be publicly disseminated as a formal action of the Board.

8           7.     If any part of the Consent Agreement and Order is later declared void or otherwise  
9 unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

10  
11   
12 Michael Stuart Biscoe, M.D.

Dated: 5-23-06

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 20915 for the practice of allopathic medicine in the State of Arizona.

3. Respondent was under a Stipulated Rehabilitation Agreement for substance abuse with the Board that expired on August 21, 2001. On February 13, 2006 the Phoenix Police Department reported to the Board that Respondent had been involved in a one-car motor vehicle accident and was transported to Maricopa County Hospital. Phoenix Police also reported their investigation revealed Respondent had been sucking on a Fentanyl patch while driving and had overdosed, causing him to blackout. The report also indicated Respondent stated the patch belonged to a patient who had returned the patch to him. Michel Sucher, M.D., the Board's contracted addiction medicine specialist, contacted Respondent regarding the accident. Respondent admitted to Dr. Sucher that he had relapsed. On February 14, 2006 Respondent's license was inactivated for cause. A.R.S. § 32-1452(F).

4. Respondent entered residential treatment at the Betty Ford Center ("Betty Ford") and was discharged on May 20, 2006 after successfully completing treatment. Upon his release from Betty Ford, Respondent entered into an Interim Consent Agreement to participate in the Board's Monitored Aftercare Program. Betty Ford has recommended Respondent be permitted to return to practice under the auspices of the Board's monitoring program. Dr. Sucher also recommends that Respondent's license be reactivated and he be placed in the Board's monitoring program.

1 **CONCLUSIONS OF LAW**

2 1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof  
3 and over Respondent.

4 2. The Board has received substantial evidence supporting the Findings of Fact  
5 described above and said findings require the Board to either refer the matter for formal hearing to  
6 revoke Respondent's license or reactive Respondent's license and place Respondent on probation  
7 for 5 years with restrictions necessary to assure public safety. A.R.S. § 32-1452(F).

8 **ORDER**

9 Based upon the foregoing Findings of Fact and Conclusions of Law,

10 IT IS HEREBY ORDERED that:

11 1. Respondent's license is reactivated upon payment of the renewal fee.

12 2. Respondent is placed on Probation for five years with the following terms and  
13 conditions:

14 a. Respondent shall submit quarterly declarations under penalty of perjury on  
15 forms provided by the Board, stating whether there has been compliance with all conditions of  
16 probation. The declarations shall be submitted on or before the 15th of March, June, September  
17 and December of each year, beginning on or before September 2006.

18 3. **Participation.** Respondent shall promptly enroll in and participate in the Monitored  
19 Aftercare Program ("MAP") for the treatment and rehabilitation of physicians who are impaired by  
20 alcohol or drug abuse. Respondent's participation in MAP may be unilaterally terminated with or  
21 without cause at the Board's discretion at any time after the issuance of this Order.

22 4. **Relapse Prevention Group.** Respondent shall attend MAP's relapse prevention  
23 group therapy sessions one time per week for the duration of this Order, unless excused by the  
24 MAP relapse prevention group facilitator for good cause such as illness or vacation. Respondent  
25 shall instruct the MAP relapse prevention group facilitators to release to Board Staff, upon request,

1 all records relating to Respondent's treatment, and to submit monthly reports to Board Staff  
2 regarding attendance and progress. The reports shall be submitted on or before the 10th day of  
3 each month.

4 5. **12 Step or Self-Help Group Meetings.** Respondent shall attend ninety 12-step  
5 meetings or other self-help group meetings appropriate for substance abuse and approved by  
6 Board Staff, for a period of ninety days beginning not later than either (a) the first day following  
7 Respondent's discharge from chemical dependency treatment or (b) the date of this Order.

8 6. Following completion of the ninety meetings in ninety days, Respondent shall  
9 participate in a 12-step recovery program or other self-help program appropriate for substance  
10 abuse as recommended by the MAP Director and approved by Board Staff. Respondent shall  
11 attend a minimum of three 12-step or other self-help program meetings per week.

12 7. **Board-Staff Approved Primary Care Physician.** Respondent shall promptly  
13 obtain a primary care physician and shall submit the name of the physician to Board Staff in writing  
14 for approval. The Board-approved primary care physician ("PCP") shall be in charge of providing  
15 and coordinating Respondent's medical care and treatment. Except in an *Emergency*, Respondent  
16 shall obtain medical care and treatment only from the PCP and from health care providers to whom  
17 the PCP refers Respondent. Respondent shall request that the PCP document all referrals in the  
18 medical record. Respondent shall promptly inform the PCP of Respondent's rehabilitation efforts  
19 and provide a copy of this Order to the PCP. Respondent shall also inform all other health care  
20 providers who provide medical care or treatment that Respondent is participating in MAP.

21 a. "*Emergency*" means a serious accident or sudden illness that, if not treated  
22 immediately, may result in a long-term medical problem or loss of life.

23 8. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication* unless  
24 the PCP or other health care provider to whom the PCP refers Respondent prescribes the  
25 *Medication*. Respondent shall not self-prescribe any *Medication*.

1 a. "Medication" means a prescription-only drug, controlled substance, and over-  
2 the counter preparation, other than plain aspirin, plain ibuprofen, and plain  
3 acetaminophen.

4 9. If a controlled substance is prescribed, dispensed, or is administered to Respondent  
5 by any person other than PCP, Respondent shall notify the PCP in writing within 48 hours and  
6 notify the MAP Director immediately. The notification shall contain all information required for the  
7 medication log entry specified in paragraph 10. Respondent shall request that the notification be  
8 made a part of the medical record. This paragraph does not authorize Respondent to take any  
9 *Medication* other than in accordance with paragraph 8.

10 10. **Medication Log.** Respondent shall maintain a current legible log of all *Medication*  
11 taken by or administered to Respondent, and shall make the log available to the Board Staff upon  
12 request. For *Medication* (other than controlled substances) taken on an on-going basis,  
13 Respondent may comply with this paragraph by logging the first and last administration of the  
14 *Medication* and all changes in dosage or frequency. The log, at a minimum, shall include the  
15 following:

- 16 a. Name and dosage of *Medication* taken or administered;  
17 b. Date taken or administered;  
18 c. Name of prescribing or administering physician;  
19 d. Reason *Medication* was prescribed or administered.

20 This paragraph does not authorize Respondent to take any *Medication* other than in accordance  
21 with paragraph 8.

22 11. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or any food  
23 or other substance containing poppy seeds or alcohol.

24 12. **Biological Fluid Collection.** During all times that Respondent is physically present  
25 in the State of Arizona and such other times as Board Staff may direct, Respondent shall promptly

1 comply with requests from Board Staff or MAP Director to submit to witnessed biological fluid  
2 collection. If Respondent is directed to contact an automated telephone message system to  
3 determine when to provide a specimen, Respondent shall do so within the hours specified by  
4 Board Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly  
5 comply" means "immediately." In the case of a telephonic request, "promptly comply" means that,  
6 except for good cause shown, Respondent shall appear and submit to specimen collection not  
7 later than two hours after telephonic notice to appear is given. The Board in its sole discretion  
8 shall determine good cause.

9 13. Respondent shall provide Board Staff in writing with one telephone number that  
10 shall be used to contact Respondent on a 24 hour per day/seven day per week basis to submit to  
11 biological fluid collection. For the purposes of this section, telephonic notice shall be deemed  
12 given at the time a message to appear is left at the contact telephone number provided by  
13 Respondent. Respondent authorizes any person or organization conducting tests on the collected  
14 samples to provide testing results to the Board and the MAP Director.

15 14. Respondent shall cooperate with collection site personnel regarding biological fluid  
16 collection. Repeated complaints from collection site personnel regarding Respondent's lack of  
17 cooperation regarding collection may be grounds for termination from MAP.

18 15. **Out of State Travel and/or Unavailability at Home or Office Telephone Number.**

19 Respondent shall provide Board Staff at least three business days advance written notice  
20 of any plans to be away from office or home when such absence would prohibit Respondent from  
21 responding to an order to provide a biological fluid specimen or from responding to  
22 communications from the Board. The notice shall state the reason for the intended absence from  
23 home or office, and shall provide a telephone number that may be used to contact Respondent.

24 16. **Payment for Services.** Respondent shall pay for all costs, including  
25 personnel and contractor costs, associated with participating in MAP at time service is

1 rendered, or within 30 days of each invoice sent to Respondent.

2 17. Examination. Respondent shall submit to mental, physical, and medical  
3 competency examinations at such times and under such conditions as directed by the Board to  
4 assist the Board in monitoring Respondent's ability to safely perform as a physician and  
5 Respondent's compliance with the terms of this Order.

6 18. Treatment. Respondent shall submit to all medical, substance abuse, and mental  
7 health care and treatment ordered by the Board.

8 19. Obey All Laws. Respondent shall obey all federal, state and local laws, and all  
9 rules governing the practice of medicine in the State of Arizona.

10 20. Interviews. Respondent shall appear in person before the Board and its Staff and  
11 MAP committees for interviews upon request, upon reasonable notice.

12 21. Address and Phone Changes, Notice. Respondent shall immediately notify the  
13 Board in writing of any change in office or home addresses and telephone numbers.

14 22. Relapse, Violation. In the case of chemical dependency relapse by  
15 Respondent or Respondent's use of drugs or alcohol in violation of the Order,  
16 Respondent's license shall be **REVOKED**. Respondent agrees to waive formal hearing on  
17 the revocation. In the alternative, Respondent may **SURRENDER HIS LICENSE** if he agrees  
18 in writing to being impaired by alcohol or drug abuse. *MB*

19 23. Notice Requirements.

20 (A) Respondent shall immediately provide a copy of this Order to all employers and  
21 all hospitals and free standing surgery centers where Respondent currently has privileges. Within  
22 30 days of the date of this Order, Respondent shall provide the Board with a signed statement of  
23 compliance with this notification requirement. Upon any change in employer or upon the granting  
24 of privileges at additional hospitals and free standing surgery centers, Respondent shall provide  
25 the employer, hospital or free standing surgery center with a copy of this Order. Within 30 days of



1 a change in employer or upon the granting of privileges at additional hospitals and free standing  
2 surgery centers, Respondent shall provide the Board with a signed statement of compliance with  
3 this notification requirement.

4 (B) Respondent is further required to notify, in writing, all employers, hospitals and  
5 free standing surgery centers where Respondent currently has or in the future gains employment  
6 or privileges, of a chemical dependency relapse, use of drugs or alcohol in violation of this Order  
7 and/or entry into a treatment program. Within seven days of any of these events Respondent shall  
8 provide the Board written confirmation of compliance with this notification requirement.

9 24. **Public Record.** This Order is a public record.

10 25. **Out-of-State.** In the event Respondent resides or practices as a physician in a  
11 state other than Arizona, Respondent shall participate in the rehabilitation program sponsored by  
12 that state's medical licensing authority or medical society. Respondent shall cause the monitoring  
13 state's program to provide written reports to the Board regarding Respondent's attendance,  
14 participation, and monitoring. The reports shall be due quarterly on or before the 15th day of  
15 March, June, September, and December of each year, until the Board terminates this requirement  
16 in writing. The monitoring state's program and Respondent shall immediately notify the Board if  
17 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b) relapses; c)  
18 tests positive for controlled substances; d) has low specific gravity urine drug test(s), missed  
19 and/or late urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo  
20 any additional treatment.

21 26. This Order supersedes all previous consent agreements and stipulations between  
22 the Board and/or the Executive Director and Respondent.

23 27. The Board retains jurisdiction and may initiate new action based upon any violation  
24 of this Order.

1 DATED this 9<sup>th</sup> day of June, 2006.



ARIZONA MEDICAL BOARD

By   
TIMOTHY C. MILLER, J.D.  
Executive Director

7 ORIGINAL of the foregoing filed this  
9<sup>th</sup> day of June, 2006 with:

8 The Arizona Medical Board  
9 9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

10 Executed copy of the foregoing  
11 mailed by U.S. Mail this  
9<sup>th</sup> day of June, 2006, to:

12 Michael Stuart Biscoe, M.D.  
13 (Address of Record)

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